

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-7 and 10-17 are pending in the application.

The Examiner's allowance of Claims 11 and 15-17 is gratefully acknowledged. Also in the Office Action, Claims 2-7 and 10 were objected to as being dependent on a rejected base claim, and were found to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Further, Claims 12-14 were indicated to be allowable if Claim 12 was amended to overcome the objection to Claim 12, which was objected to due to informalities. Finally in the Office Action, Claim 1 was rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter.

Regarding the objection to Claim 12, the Examiner suggested that --values-- be inserted after "the channel state" in line 6.

In this Response, Claim 12 has been amended as suggested by the Examiner at page 2 of the Office Action. No new matter is presented. Accordingly, Claims 12-14, which depend from independent Claim 11, are believed to be in condition for allowance.

Regarding the rejection of Claim 1, the reason for rejection under 35 U.S.C. §101 is unclear and is not properly stated. It is requested that the Examiner consider the stated purpose of the claimed invention that is set forth in the preamble of Claim 1. In the present invention, a base station determines a transmission format of packet data to be provided to a mobile station according to received channel state values and provides the packet to the mobile station according to the determined transmission format. As stated in the preamble of Claim 1, the transmission formats are classified as a first format and a second format, and the length of the formats are different from each other. Thus, probability of error occurrence is also different when packets are transmitted in different format.

In the present invention, channel state values are received that are measured by a mobile station, a calculation of the difference between all adjacent channel state values is performed, and a determination of the transmission format is based on the calculated differences. Accordingly, the present invention is effective and provides a new and useful process at least because the

throughput of whole channels increases by reducing transmission errors in a mobile communication system. Accordingly, it is respectfully submitted that Claim 1 sets forth a new and useful process, and withdrawal of §101 rejection of is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Independent Claim 11 has been allowed. Allowable subject matter has been found in dependent Claims 2-7 and 10, as well as in dependent Claims 12-17.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7 and 10-17 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicants' attorney at the below number.

Respectfully submitted,



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